

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

OLYMPUS SPA, MYOON WOON
LEE, SUN LEE, JANE DOE
EMPLOYEE 1, JANE DOE
EMPLOYEE 2, JANE DOE
EMPLOYEE 3, JANE DOE PATRON 1,

Plaintiffs,

v.

SHARON ORTIZ, in her official
capacity as Executive Director of the
Washington State Human Rights
Commission,

Defendant.

Case No.:

DECLARATION OF SUN LEE

The undersigned, in support of the motion for declaratory and injunctive relief does declare under penalty of perjury of the laws in the state of Washington that the herein declared statements are true and correct to the best of the declarants knowledge and/or understanding :

1. On or about May 2021 Olympus Spa was contacted by the Human Rights Commission of Washington stating that a complaint had been lodged.

The complaint alleged someone was denied entry and discriminated against for presenting as a male when trying to check in to the spa. Ex 1 The complaint alleges

DECLARATION OF SUN LEE - 1

1 that the "owner" denied Haven services which is not true as the persons are
2 checked in using electronic check in stations and do not interface with owners.

3 Generally speaking we have no idea if a preoperative transgender violates the
4 policy of the spa until they are undressed. There were numerous incidents where a
5 male entered our spa off-guarded, undressed his clothes in the locker room, and
6 went into a pool area.

7 Every time the incident occurred, it left so many customers in shock and with fear
8 because they recognized a fully nude man with his genitals exposed entering a pool
9 that was already occupied by all women. Some of our customers cried with anger
10 complaining that our spa allowed men to sexually assault women at the spa
11 including minors. Exposing a male genital in a public setting can be a threat to
12 people especially to the opposite sex.

13 As a result, it has tremendously damaged our business's reputation for many
14 months. It caused us so much loss in financial opportunities and extreme
15 psychological, mental, and even physical pain.

16 On or about November 2020 we received an "notice of complaint of investigation"
17 from the Human Rights Commission and we were threatened with legal action. Ex
18 2

19 On March 12, 2021 a second complaint was received. Ex 3

20 We responded later that month denying the allegations of the complaint and
21 attempting to assert our beliefs regarding traditional Christian Korean spa
22 operations as well as questioning the legality of nude preoperative male presenting
23 individuals intermingling with females in confined spaces. Ex 4

24 We were found guilty of discrimination based on the website language regarding
25 females and female only policy for the spa. Ex 5 We were told what we could say
26 and what we could not say, and what we could think/believe and not think/believe.

27 Over the course of being notified of the discrimination and allegations that
28 "owners" had denied service to Haven Wilvich we began an internal investigation
to determine when the alleged discrimination happened and who was the employee
(alleged owner) who denied entry. We found no record of Haven Wilvich having
been in either of our spas. We keep records via an electronic sign in portal of all

1 individuals who enter the spa. They fill out their information prior to being
2 admitted in the waiting area. Haven Wilvich would have submitted such
3 information, and being that Haven presents as feminine no one would have known
4 otherwise until and unless Haven was nude. No employee has any recollection of
5 speaking with a Haven Wilvich and we believe we were targeted by Haven
6 Wilvich for our beliefs/creed. Ex 6

7 The HRC representatives response stated that it was "too late" for us to present
8 evidence that we did not discriminate against Haven Wilvich because "Ms.
9 Wilvich already filed a complaint of discrimination with the Washington State
10 Human Rights Commission." Ex 7

11 We were then told that it was our policy as listed on the website that was
12 noncompliant and which was violative of the law, and there was no further
13 reference that Haven Wilvich's complaint was the grounds for the investigation.
14 Ex 8

15 Thereafter, In July, we were presented with the terms of settlement including:
16 changing the website language, training materials to ensure understanding of the
17 law and compliance, and a review of our policies to ensure compliance with RCW
18 § 49.60. Ex 9

19 Through correspondence and asking of questions a draft settlement agreement was
20 sent which confirmed the change of the website language and reserved the right to
21 bring suit at a later date. Ex. 10

22 Thereafter a final agreement was [signed] under threat of suit and referral to the
23 AG office. Ex. 11

24 **2. Religion is part of our lifestyle and it is our duty to protect women and 25 children.**

26 According to our religion, man and woman are created differently. Our spa is
27 designed specifically for women and our mission is to restore and rejuvenate
28 women's physical health as well as spiritual health. Some customers think of our
spa as a healing place for victims of sexual assault, especially by men. Some of
our spa employees choose to work here because they felt safe.

Our cultural heritage and our beliefs are an integral part of who we are. By adopting policies that violate both of these our heritage and beliefs will be lost. Women are in a vulnerable position when they are unclothed and/or having treatment while unclothed and we seek to ensure that they feel their privacy and rights are respected. This is a biblical principle from 1 Peter 3:7, 1 Timothy 3:1-7, 1 Timothy 5:2, Phillipians 4:3, Genesis 1:27, Proverbs 31:17, Phillipians 2:3 and more.

These verses highlight our goal and mission to provide a safe, private, and respectful environment for women. This is not at the expense of those with male genitalia but for the sanctity and protection of those with female genitalia.

The incidents described previously violated all of our original business intent of creating a safe haven and a healing place for women. When a person is fully nude, without knowing the person's self-claimed gender identity, one could only distinguish between a male and a female is by looking at genitalia.

We have female minors coming with their mother, we certainly need to care for little children's well-being mentally and physically. We are responsible to protect those younger customers from either half or fully undressed males approaching them from both a cultural and creed based stance. That's part of our religious belief to protect the weak and defenseless by separating a gender group in a nude area. Traditional Korean spas do not treat men for ddemiri and sheshin.

3. This is a Korean Traditional Spa - Inherited from generation to generation.

We are a Korean Spa that is also based on Korean traditional values. Therefore, anyone who enters our spa understands that we operate our spa in Korean style. Preserving culture is important to us as our culture continues to be reduced and marginalized. We are the only Korean spa in the state and if we close our doors our culture is forever lost. Everyone has been ethical, respectful, and appreciated our "Korean Traditional Spa." Korean traditional Spa means it provides female spa separately at their comforts. Also, the Korean body scrub has been always served by the same gender over hundreds of years. A service provider never serves a Korean body scrub to an opposite-sex customer. Our ethnicity and creed is being discriminated against.

Declared this day of ^{24th} Feb, 2022

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SUN LEE

DECLARATION OF SUN LEE - 5